IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1696 OF 2006

MURLIDHAR TUKARAM MAGAR .. PETITIONER

Versus

THE STATE OF MAHARKASHTRA .. RESPONDENTS

Ms. S.S.Kaushik, advocate appointed for petitioner
Mr. S. S. Pednekar, APP

CORAM:-SMT. RANJANA DESAI &
SMT. V. K. TAHILRAMANI, JJ.

DATED:- 22/01/2007

P.C.

. The petitioner who is presently placed in category 6(a) of the guidelines has prayed that he may be placed in any other category which will be appropriate.

2. We have heard Ms. Kaushik, the learned advocate appointed for the petitioner. She submitted that it is true that the petitioner had tried to escape from the prison but he had escaped only for 10 days. She submitted that the petitioner’s conduct in the prison is very good. While putting the petitioner in category 6(a), the authorities have not considered his good conduct.

She submitted that another person placed in similar fact situation being Convict No. 2557 i.e. Narayan Tukaram Chavan has been released on completion of 24 years of imprisonment including remission. The learned counsel submitted that, therefore, the petitioner's case may also be considered.

3. The learned APP has drawn our attention to the affidavit of Shri Avinash M. Sable, Under Secretary to the Government of Maharashtra. Having perused the affidavit, we are of the opinion that it is not possible to interfere with the categorisation of the petitioner. Hence the petition will have to be dismissed.

4. It is made clear that dismissal of this petition will not come in the way of the authorities in considering the petitioner's application afresh and in accordance with law, having regard to his alleged good conduct in the prison.

5. The petition is disposed of in the aforestated terms.

JUDGE

JUDGE